

**CANBY CITY COUNCIL
WORKSHOP SESSION
JUNE 4, 1997**

Present: Mayor Taylor, Councilors Daniels, Strong, Lucas and Nolder, Gerber, Michael Jordan, Sarah Jo Chaplen, Beth Saul, Brooke Cates, Keith McDade, Michelle Park, Alissa Hunter, Rebecca Gershow, Randy Carson, Dan and Pat Ewert, Jun-Chin Chen, Jason Robertson, John Falkenstein, Can Sivesind and Lance Lyon.

The workshop session was held in the Library conference room at 6:00 p.m. to 7:25 p.m. A lite dinner was served.

The purpose of the session was to discuss the progress of the Eugene based Community Workshop Group that the City has contracted with regarding the Parks Master Plan.

**CANBY CITY COUNCIL
REGULAR SESSION
JUNE 4, 1997**

Mayor Scott Taylor presiding. Council members present: Dennis Nolder, Roger Harris, Brad Gerber, Walt Daniels, Shirley Strong and Barry Lucas.

Also present: Administrator Michael Jordan, Finance & Administrative Director Sarah Jo Chaplen, Library & Recreation Director Beth Saul, Police Chief Jerry Giger, City Recorder Marilyn Perkett, Planning Director Jim Wheeler, Darlene Fetters, Curtis & Lila Gottman, Nathan Clayton, Jeffrey Lamb, Rebecca Gershow and several others from the University of Oregon Community Planning Workshop.

Mayor Taylor called the session to order at 7:30 p.m., followed by the flag salute and a moment of silence.

Roll call of the Council showed a quorum to be present.

MINUTES OF PREVIOUS SESSIONS: **Councilman Daniels moved to adopt as distributed the minutes of the workshop session, May 14, 1997 and regular meeting,

May 21, 1997. Motion seconded by Councilman Harris and approved 6-0.

CITIZEN INPUT ON NON-AGENDA ITEMS: None presented.

COMMUNICATIONS: Letters from Whiskey Hill Jazz Club - Mayor Taylor read two letters from the Whiskey Hill Jazz Club, one from Ann Smith and one from Jack Pendleton, thanking the City for the assistance and support of their annual Junior Festival of Jazz.

NEW BUSINESS: Accounts Payable - ****Councilman Harris moved to approve payment of accounts payable in the amount of \$ 270,894.56. Motion seconded by Councilman Daniels."**

Councilman Harris pointed out that \$115,000 was an expenditure for interest on sewer bonds.

****Accounts payable was approved by roll call vote, 6-0.**

SPECIAL PRESENTATION: Community Planning Workshop Parks Master Plan - Administrator Jordan reminded the Council that the University of Oregon Community Planning Workshop group started the process in January to amend the City Parks Master Plan.

Rebecca Gershow, CPW, noted that the group had just spent an hour in workshop session explaining the 23 recommendations, within the following three categories:

Improvement and Maintenance:

New Parks and Recreation Development: and
Operations.

Ms. Gershow said the recommendations were created from citizen input collected over the past five months. A survey was sent to over 1000 residents and offered a 23% response; interviews were conducted with parks experts and stake holder groups, such as Canby Kids, Chamber and other special interest groups; and input from students at Ackerman and CUHS was solicited..

Ms. Gershow said the focus was on maintenance and recommendations were for additional natural areas; walking, biking and jogging areas; and neighborhood parks.

A draft plan will be available at the end of the month. She urged anyone with input to contact the group at Eugene or through the City Staff.

Appointment of Various Boards/Committees - Mr. Jordan noted that several board and

committees had appointments due and the following recommendations were made.

Mayor Taylor explained that he and Commission Chair Dan Ewert and Councilor Daniels interviewed three very excellent candidates for the open position on the Planning Commission.

****Councilman Daniels moved to appoint Jean Tallman to the Planning Commission, to the unexpired term of Dave Hartwell, the term expires in December, 1997. Motion seconded by Councilman Harris and approved 6-0.**

****Councilman Harris moved to re-appoint Blaine Oswald and Dale Carter to serve another three year term on the City Budget committee, with their terms expiring in July, 2000. Motion seconded by Councilman Daniels.**

Councilman Harris commented that the Budget Committee is a "thankless" job and he was impressed that the two members offered to serve another term.

****The Budget Committee appointments were approved 6-0.**

****Councilman Harris moved to re-appoint Kathy Levy to another four year term on the Canby Library Board, with her term expiring in July, 2000. Motion seconded by Councilman Daniels and approved 6-0.**

****Councilman Daniels moved to appoint Nancy Murphy, LoydAlice Lowrie and David Dalley to a four year term on the Canby Adult Center Advisory Board, with their terms expiring in July 2001. Motion seconded by Councilwoman Strong and approved 6-0.**

****Councilman Daniels moved to appoint Laurie Sandsness to a three year term; and re-appoint Barbara Guild and Barbara Kirwan to three year terms on the Traffic Safety Committee, with all terms expiring in July, 2000. Motion seconded by Councilwoman Strong and approved 6-0.**

Mrs. Saul stated that appointments to the Parks & Recreation Advisory Board should made be very soon.

Mayor Taylor noted that applications are available at City Hall for anyone interested in serving the community on a board or committee.

ORDINANCES & RESOLUTIONS: Resolution No. 638 - Administrator Jordan reminded the Council that this is a resolution necessary as part of the budgeting process.

****Councilman Harris moved to adopt Resolution No. 638, A RESOLUTION VERIFYING THAT THE CITY OF CANBY HAS MET THE REQUIREMENTS TO RECEIVE REVENUES FROM CIGARETTE, GAS AND LIQUOR TAXES. Motion seconded by Councilman Lucas and approved 6-0.**

Mayor Taylor reported that the new gas tax will soon go to a vote, support of the proposed gas tax can be directed to your local Representative.

Resolution No. 639 - ****Councilman Harris moved to adopt Resolution No. 639, A RESOLUTION SUPPORTING EFFORTS OF THE CANBY AREA CHAMBER OF COMMERCE TO EXPEDITE OPERATION OF THE CANBY FERRY ON THE WILLAMETTE RIVER. Motion seconded by Councilman Lucas.**

Mayor Taylor read the entire resolution which urges the Clackamas County Commissioners to exhaust all resources to expedite the operation of the Canby Ferry.

Administrator Jordan reported that he had received a press release today that stated the County had accepted the ferry from the contractor and they were now in a operator training process. The County hopes to have the ferry operational by June 20, 1997.

****Resolution 639 was approved 6-0. -**

UNFINISHED BUSINESS: Verbal Update on Voter Annexation - Attorney Kelley briefly reviewed SB 1137 to prohibit voter annexation, noting an amendment places a two year moratorium on voter annexation until December, 1999.

Jim Wheeler noted that this bill would only prohibit a Charter amendment of allowing voter annexation. He added that the City could still refer an annexation to the vote of citizens by ORS 222.111. Mr. Wheeler added that SB 947, if passed will mean that Canby will not be under the jurisdiction of the Portland Boundary Commission for annexations.

Mr. Kelley said that SB 947, gives METRO the authority, and since we are not part of METRO, the City would have local annexation approval.

Mayor Taylor noted that only bills that are close to a vote are currently active in the legislature at this time, and many other bills are dying. The Legislature is still proposing the end of June as a recess period.

Councilman Gerber asked if the City could elect to propose a vote of the citizens for an annexation even if both SB 1137 and SB 947 pass. Mr. Wheeler said yes.

Attorney Kelley's interpretation of ORS 22.111 in Section 2, (2), was that the annexation could be referred to the electors of the "territory proposed" for annexation.

Mr. Jordan noted that the amendment deletes those lines in section 2 and only sections 1 and 2 are the text of the entire bill. If passed, the bill would not affect current annexation law that allows alternatives, including a petition for election.

Councilman Nolder asked what would happen if an annexation were denied. He was informed it could ultimately go through the Circuit Court process.

Councilman Harris asked for some clarification. Mr. Kelley noted that a public hearing process and specific criteria will be necessary. If an application meets criteria, it could be referred to a citizen vote, if it does not meet criteria it would not be voted upon.

Councilman Lucas asked why the bill even existed, he expressed a concern that citizens of Canby could not vote on a Canby annexation. He noted that Jeff Lamb, Oregon Communities for a Voice in Annexation Chair, was present to address the issue.

Councilman Harris asked if the League of Oregon Cities was a proponent of the bill. Mr. Jordan explained that the LOC was in opposition as it was originally proposed. However, at the "11th hour" a two year moratorium on Charter amendments was passed. He added that it should be on the Senate floor Friday.

Council members questioned why the LOC lobbyist supported the amended bill with support of the LOC Board.

Administrator Jordan explained that he was involved in a conference call on the issue. He informed the Council of some of the reasons for the action of the LOC:

- the LOC is not unanimous on the issue;

- the LOC represents all cities in Oregon;

- the coalition that added the amendment includes the Governor and DLCD, and it is important to the LOC to have close relationship with the Governor;

- and there were concerns that if a compromise had not been made on the matter, the Home Builders would submit a bill to force municipalities to extend City service beyond city boundaries upon request.

Mr. Jordan said one of the major issues being discussed is how cities can fund growth. The Governor will hold an interim study to determine benefits and costs of growth

Nathan Clayton introduced Jeffrey Lamb of Philomath, the Chair of the Oregon Cities for Voice in Annexation.

Mr. Lamb said the issue is about money and power. He said Phillip Fell spoke against the bill on the 22nd when the cities with Charter voter annexation provisions spoke about the bill. Mr. Lamb said under the Oregon Constitution, cities are a Home Rule and have a constitutional guarantee to change a local Charter for local control. He noted that the day before the vote, the coalition he represented, was told a deal had been struck and it was coming out of committee and it was "a done deal" and would pass on the senate floor. Mr. Lamb said all cities with the Charter amendment can keep their vote until December 1999. Seven cities have charter voter annexation amendments despite debates by the Homebuilders Association and developers.

Mr. Lamb noted that by involving the citizens in growth and development by providing the voter annexation, it often makes the informed citizens more apt to approve bonding authority to maintain infrastructure for the future growth.

He reiterated that it is up to the City to decide if it wants to defend the "process" of the constitution of home rule and local control with a change of the City Charter.

Mr. Lamb stated that Corvallis has submitted 41 annexation proposals in the past 20 years under the voter annexation, and 37 have been approved. He cited other communities where the same thing has happened. He added that if SB 1137 is passed, it will be challenged in court. He cautioned, if SB 1137 passes and it removes the ability to change a local charter, then citizens could take a state-wide initiative to make it mandatory that every municipality vote on the extension of their city limits and UGB, and this could create something not wanted.

Councilman Lucas asked how many cities belonged to the LOC. Mr. Jordan replied 240 were members of 242 cities state wide.

Councilman Gerber noted that ORS 222.111 will still give the City the opportunity to put an annexation to the vote of the citizens and questioned if there should be anything to worry about, other than the moral and constitutional issues. Mr. Lamb said he has seen several versions of SB 1137 and is not sure if the voters would be citizens within the City limits or voters within the annexation district. Attorney Kelley said an annexation can still go to a vote of the people, however, an amendment to the charter would "require" a vote of the people.

Councilman Harris asked what the City can do to change the bill. Mr. Lamb said the perception is that it is a "done deal." He noted that several cities are ready to put this matter on the ballot, this is "not a done deal," and the LOC is in division on this matter and many cities will still pursue a charter change.

Nathan Clayton asked if SB 1137 were approved, does it take 90 days prior to making the bill effective. Mr. Jordan noted that the emergency clause could be added to SB 1137 at any time which would make the bill effective as soon as the Governor signed the bill after it is passed, rather than waiting the 90 days.

Jim Wheeler pointed out that "if" SB 947, DOES NOT PASS, most annexations would go directly to the Portland Boundary Commission. He suggested that the City wait to see if that bill passes prior to initiating any charter amendment stance.

Mr. Lamb noted that Senator Kintigh voted no on SB 1137. After the committee approved SB 1137, Senator Kintigh stated, "Now begins the great Oregon land rush."

Councilman Lucas stated that citizens in Canby have a right to home rule, and Canby is growing at a fast pace. He said he was "alarmed" at the position LOC has taken on the matter.

Council members asked how long it would take the City to get ready to put a charter amendment on the September ballot. Mr. Jordan said it could be done in 3 months, however, the measure must be into the County Elections Department sometime in July.

Mr. Kelley cautioned that one drawback would be if a commercial development needed to meet a deadline and the annexation needed to be referred to the voters, it could make a difference in that development.

Councilwoman Strong asked if the City could become involved in a lawsuit if an annexation kept getting voted down. Jeff Lamb said an incident like this in Corvallis challenged the matter to the Supreme Court and there was no liability to the City. The case was Bell vs. City of Corvallis. It has not been used to stop growth, and it gives you a better project for the community.

A general consensus of the Council was to move forward with preparing a ballot measure for a charter amendment for the September ballot. A resolution to start the process will be at the next meeting. A workshop session was scheduled for July 2, 1997, to agree on the language of a proposed ballot measure for a charter amendment.

Mayor Taylor asked the Council what type of action they wanted to pursue regarding the recent action by the LOC.

Administrator Jordan said that he had a phone conference yesterday regarding the issue with Alice Schlenker, past president of the LOC & former Lake Oswego Mayor; Susan Roberts Mayor of Enterprise; Jim Torrey Mayor of Eugene; Bill Moore Councilor of Medford; Phil Houk Councilor of Pendleton; Joanne Verger Mayor of Coos Bay; Larry

Griffith Mayor of Baker City; Steve Bryant City Manager of Albany; and himself. He noted that other than his voicing how the City of Canby felt about the issue, it was unanimous to support the compromise language of SB 1137.

Councilman Harris felt the matter was "insulting" and suggested withdrawal from the LOC membership as a protest. Councilman Gerber agreed with this scenario.

Councilors Nolder, Daniels, Lucas and Strong agreed that they were disappointed in the LOC action, however, withdrawing membership was not appropriate.

Councilman Gerber suggested that a very strong letter of disapproval be sent to the League of Oregon Cities, and to also FAX it to the other 242 cities.

Mayor Taylor offered to draft the letter and the Council can sign it over the weekend by dropping into the Police Department.

Administrator Jordan will lobby our legislators regarding the vote on Friday.

MANAGER'S REPORT: Cell Tower - Mr. Jordan reported that the City has been contacted by US West to locate a tower on a piece of City owned property near the mini-storage site where the existing cell tower is located. The tower would be obscured from vision by some trees and the City will receive \$1000 per month rent. The City will have to annex the proposed site.

Councilman Lucas asked if US West could go on the existing lattice tower. Mr. Wheeler said US West had pursued that issue.

Mr. Jordan noted that Barlow has had a request for placement of a cell tower.

Councilman Nolder requested that a lease include an immediate removal clause once the tower is not necessary.

Performance Appraisal - Mr. Jordan reminded the Council that a meeting needs to be established with the sub-committee of Councilors Gerber, Strong and Daniels and the Mayor regarding his performance appraisal.

Meetings/Events - June 25th, 7:00 pm, a workshop session has been scheduled at the Canby Adult Center regarding the 99E Highway Access Plan.

Larry Vasquez, Assistant Planner, is leaving the employment of Canby and a reception will be held Friday, 2:00 pm to bid him farewell.

Mr. Jordan informed the Council that he would be speaking at a Kiwanis meeting

regarding the City Budget and Measure 50.

Mr. Jordan reported that he would have three quotes from contractors ready for consideration at the next meeting for consulting services for the Industrial Master Plan.

Ms. Chaplen, Finance & Administration Director, informed the Council that she has been pursuing a possible partnership with the School District and Fire District in regards to using the City's Motor Pool Maintenance. The Fire District has received approval from their board to proceed with contracting their maintenance needs with the City. The Council agreed to proceed with the partnership plan.

Beth Saul, Library & Recreation Director, reported that currently there is only one person in the Parks Maintenance Department and she is attempting to implement a community-wide clean-up effort on Saturday, June 28th, much like the SOLV program at the coast. The Council is invited to participate in the clean-up endeavors.

Jerry Giger, Chief of Police, reported that he ran today in the Special Olympics Run and tomorrow, Mayor Taylor is scheduled to participate. Chief Giger said the opening ceremony for the Special Olympics will be held in Eugene on Friday.

Chief Giger reported that due to an effort by Ackerman Middle School Students, a 12 mile Safety Corridor of 55 mph has been created from Barlow to Oregon City on Highway 99 E. In cooperation with Oregon State Police, Oregon City Police, Clackamas County Sheriff and Canby Police several time periods have been scheduled to do a "blitz enforcement" patrol. On June 19th, one of the blitz days, Chief Giger will be in the air to view the procedure.

COUNCILORS' ISSUES: Councilman Harris suggested that the City research the possibility of adopting an "Exclusion Ordinance" for specific trouble areas such as S. Locust Street Park, or other areas where criminal activity is happening. He explained that with an exclusion ordinance, if the Police apprehend a suspect then they are "excluded" from that particular area.

Councilman Lucas stated that the Portland Police say this type of ordinance works.

Mr. Jordan said he has asked Brian Howarth to proceed with preparations for a rally of residents from the S. Locust Park area to make suggestions on how to provide a healthy and more conducive atmosphere in the area.

Attorney Kelley will provide some sample ordinances and then receive comments from the Council prior to drafting a City ordinance.

Councilman Gerber expressed sympathy, on behalf of the City, to the DeAngelo and

Thompson family due to the recent death of their daughters in a hit and run accident.

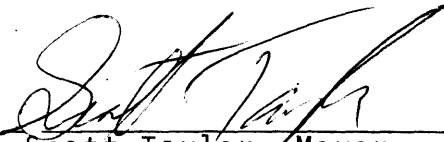
Mayor Taylor reported that he had met with Dave Hunt, a representative from Darlene Hooley's office, and noted that Representative Hooley is interested in hearing from local citizens or City officials regarding any issue or concern

OTHER REPORTS OR ANNOUNCEMENTS: None presented.

- ACTION REVIEW:**
1. Notify citizens of appointments to the various boards and committees, as well as thank you notes for citizens who have served the City.
 2. Prepare Resolution for Charter amendment referral.
 3. Gather examples for language of Charter amendment.
 4. Send a letter to LOC and FAX to all cities regarding City's opinion on LOC vote on voter annexation.
 5. Send letter to local legislatures, urging no vote on SB1137
 6. Prepare packet of information regarding an "exclusion ordinance."
 7. Implementing Resolution No. 638 and 639.

Mayor Taylor adjourned the session at 10:25 p.m.


Marilyn Perrett, City Recorder


Scott Taylor, Mayor